

REMARKS/ARGUMENTS

Claim Rejections

The Examiner stated that the previous amendment did, “not place the application in condition for allowance because the claims do not recite a commission due to the merchant as it appears that the applicant is arguing. In fact, a “commission due” as claims is a commission due to the operator in Christensen. The merchant in Christensen can sell any product/services such as different types of value units.

Response

The Examiner stated that the previous amendment did, “not place the application in condition for allowance because the claims do not recite a commission due to the merchant as it appears that the applicant is arguing.”

Applicant directs the Examiner to claims 4 and 36 which clearly recite a commission due to the merchant:

4. A method of settling a micropayment transaction conducted between a consumer and a merchant using a prepaid instrument presented by a consumer, the method comprising the steps of:

receiving a request from the merchant to authorize a proposed micropayment transaction for a first value to be settled against the prepaid instrument;

processing the request;

responding to the request with an authorization decision; and

dispositioning the proposed micropayment transaction based on value units associated with a specific merchant ID, a monetary conversion rate for the value units, and a commission due the merchant for selling the value units.

36. A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for settling a micropayment transaction conducted between a consumer and a merchant using a prepaid instrument presented by the consumer, the method steps comprising:

receiving a request from the merchant to authorize a proposed micropayment transaction for a first value;

comparing the first value to a value remaining parameter associated with the prepaid instrument;

responding to the request with an authorization decision; and

dispositioning the proposed micropayment transaction based on value units associated with a specific merchant ID, a monetary conversion rate for the value units, and a commission due the merchant for selling the value units.

The Examiner stated, “In fact, a “commission due” as claims is a commission due to the operator in Christensen. The merchant in Christensen can sell any product/services such as different types of value units.”

Applicant’s claim recites a commission due to the merchant, not to an operator as is the case with Christensen. The merchant in Christensen does not receive a commission.

The Examiner previously referred to p.23 (l. 10-18), p.24 (l. 1-2), p.28 (l. 15-27), and p.29 (l. 15-30) from Christensen to reject the following element in currently pending claims 1 and 36:

“dispositioning the proposed micropayment transaction based on value units associated with a specific merchant ID, a monetary conversion rate for the value units, and a commission due the merchant for selling the value units.”

However, there are major differences between Christensen and the above noted element. For example, page 29, lines 15-30 of Christensen do not disclose “a commission due the merchant.” Instead, Christensen discloses the network operator will receive a percentage

income on each purchase from the merchant. As can be seen in Christensen, the merchant is actually providing a percentage income and not receiving the percentage income.

Further, Christensen does not describe a merchant selling value units or receiving a commission based on the selling of the value units. In fact, the merchant in Christensen is largely not involved in the overall process. As can be seen on page 28, lines 15-27, Christensen states that, “instead of the customer’s payment going to the merchant, the ATU-NET Payment Server, which supports the customer’s unit of account, receives the payment...The payment server includes an electronic purse owned by the ATU-NET. The payment is transferred from this electronic purse to the cash register allocated to the merchant in the ATU-NET Payment Server.” As can be seen, Christensen does not describe a merchant selling value units or receiving a payment. The payment is actually received and held by the ATU-NET Payment Server which is also not involved in the selling of value units.

For the reasons stated above, Applicant respectfully believes that currently pending independent claims 1 and 36, as well the claims that depend from them, are in condition for allowance and respectfully request they be passed to allowance.

Favorable action on this response is requested at the earliest convenience of the Office. The Examiner is welcome to contact the undersigned at any time.

Respectfully submitted,
WEST CORPORATION

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